

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

January 24, 2005

CALL TO PODIUM:

Jacqueline Marsh

Greg Ossont

RESPONSIBLE STAFF:

Jacqueline Marsh, Associate Planner

Greg Ossont, Director of Planning and Code

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing "JOINT"
	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
X	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	10/22/2004
	10/27/2004
Hearing Date	11/15/2004
Record Held Open	
Policy Discussion	

TITLE:

Worksession Discussion

SDP-04-002 Requests an Amendment to Schematic Development Plan SDP-7-1, Market Square, Parcel A, Block WW, Building J From 6,000 Square Feet of Retail Land Use to Restaurant Use and a 32 space parking waiver

SUPPORTING BACKGROUND:

The applicant, The Beatty Companies, proposes to amend Schematic Development Plan 7-1, known as Kentlands/Lakelands Market Square. The applicant is requesting to change the approved use for Building J, located at 653 Center Point Way, from 6,000 square feet of retail to restaurant.

The joint public hearing was held on this application on November 15, 2004, and the record has been held open indefinitely. A key issue discussed at the hearing was the availability of parking to support the change of use and the additional restaurant use.

Staff has continued to work with the applicant since the hearing. The applicant is proposing to amend the application to reflect the elimination of an additional 6,200 square feet of restaurant (the former Ruby Tuesday's site) and proceed with the change of use from retail to restaurant at the existing vacant building at 653 Center Point Way, and is requesting a 32 space parking waiver.

In addition, the applicant has indicated future plans for the center, but is not seeking approval for those sites at this time. Staff and the applicant are seeking guidance regarding this new plan at the worksession.

Attachments:

Index of Memoranda and exhibits received since the public hearing (signified by **bold lettering**)

DESIRED OUTCOME:

Receive Presentation
Provide Guidance for Staff and Applicant

Joint Public Hearing, November 15, 2004
Joint Worksession, January 25, 2005

Index of Memoranda
SDP-04-002 (Amendment to SDP 7-1)
Kentlands Market Square

Number	Exhibit
1.	Application
2.	Letter from Gary Unterberg, dated August 13, 2004
3.	Parking Count Study for Kentlands/Lakelands, Market Square, dated May 13, 2004
4.	Parking Inventories Datasheet, dated August 13, 2004
5.	SDP-7-1 Amendment Cover Sheet
6.	SDP-7-1 Amendment Site and Storm Water Drainage Plan
7.	SDP-7-1 Amendment Site and Storm Water Drainage Details
8.	SDP-7-1 Amendment Landscape Plan
9.	SDP-7-1 Amendment Landscape Details
10.	Vicinity Map
11.	Record Plat 110 - Kentlands Market Square, Parcel A, Block TT
12.	Record Plat 111 – Kentlands Market Square, Parcel A, Block WW and XX
13.	Letter from Gary Unterberg, dated November 8, 2004
14.	Market Square Kentlands Parking Requirements, November 8, 2004
15.	Parking Count Study for Kentlands/Lakelands, Market Square, dated November 8, 2004 (1)
16.	Proposed Parking Scenario, dated November 8, 2004
17.	Public Hearing notice, sent October 29, 2004 to required parties
18.	Notice to include legal ad for Joint Public Hearing, in the October 22 and October 27 issues of the <i>Gaithersburg Gazette</i>
19.	Mayor and Council Agenda Cover Sheet for November 15, 2004 Joint Public Hearing

20. Letter from Richard W. Foley, dated November 15, 2004
21. E-mail from Clark Wagner, dated November 16, 2004
22. Letter from Richard Arkin, received November 15, 2004
23. Certified copy of the Notice of Putblic Hearing as published in the
October 22 and October 27, 2004 issues of the *Gaithersburg Gazette*
24. Minutes from Joint Public Hearing, November 15, 2004
25. Parking Count Study for Kentlands/Lakelands, Market Square (2)
26. Transcript of Public Hearing, November 15, 2004
27. Letter from Gary Unterberg, dated January 19, 2005
28. Parking Count Study (site plan), dated December 17, 2004
29. Amended Exhibit #16: Proposed Parking Scenario, dated January, 2005

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

November 15, 2004

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

Jacqueline Marsh, Associate Planner

Mark DePoe, Long Range Planning Director

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing "JOINT"
	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	10/22/2004
	10/27/2004
Hearing Date	11/15/2004
Record Held Open	
Policy Discussion	

TITLE: SDP-04-002

Amendment to the Approved Schematic Development Plan SDP-7-1, Market Square, Parcel A, Block WW, Building J From 6,000 Square Feet of Retail Land Use to Restaurant Use, and the Addition of 6,200 Square Feet of Restaurant Use at Parcel A, Block TT, Building K.

SUPPORTING BACKGROUND:

The Beatty Companies, has submitted this proposal to amend Schematic Development Plan 7-1, known as Kentlands/Lakelands Market Square. The applicant is requesting to change the approved use for Building J, located at 653 Center Point Way, from retail to restaurant. Additionally, the applicant is requesting the addition of Building K, which is proposed to be 6,200 square feet of restaurant. This new building will be located at 901 Center Point Way (Exhibit #6).

The application proposes a change to the approved parking requirements for Market Square. The applicant has outlined the proposal in a letter and a chart explaining the parking requirements based on a modified calculation (Exhibits #12 and #13).

Staff is recommending that the Mayor and City Council and Planning Commission hold the record open indefinitely. Staff is prepared to schedule a work session if desired.

Attached:

See Index of Memoranda

DESIRED OUTCOME:

Hold Public Hearing. Keep Record Open Indefinitely. Provide guidance on work sessions.



Richard W. Foley
254A Market Street East
Gaithersburg, MD 20878
(301) 519-0538

Market Square Comments and Thoughts

Kentlands/Lakelands has always been advertised as a "walking community". Below are ways to encourage walking and/or make walking safer.

- Remove plantings/trees along sidewalk island that parallels Bally's. Add various crosswalks to this island.
- Install a speed bump on Market Street East in front of 258A
- Insure proper lighting at crosswalks within Kentlands/Lakelands
- Some crosswalks are concrete (ie. Center Point & Market Street), while most are brick.
- Remove 30 minute parking spaces near movie theater and change them to "drop-off only"
- Paint large one-way street arrow on pavement outside cleaners on Market Street East
- Paint red "no parking" curbs throughout Market Square
- Install steps to Kentlands Blvd sidewalk from old Zany Brainy entrance

Market Square Garbage

- Eliminate/enclose existing trash area on Center Point Way at Last Mango. Eliminate 5am trash pick up at this site.
- Eliminate proposed dumpster area in new office building. Crape Restaurant and Ice Cream Parlor trash doesn't belong here.
- Where would garbage from new Market Square restaurant(s) be dumped?
- Courts of Devon went to great lengths to "hide" their dumpsters. Good job.
- Add new trash can outside new movie theater entrance on Market Street East
- Eliminate 2am street sweeper
- Eliminate 2am closing of Last Mango

A Better Market Square

- Replace unattractive ice rink sideboards with attractive glass sideboards
- Add lighting to artwork at new office building
- Continue/encourage Star Diner music until 11pm
- Require Market Square employees to park in designated areas
- Continue increased police enforcement of drunk driving laws
- Fix existing problems prior to creating additional problems



Mark Depoe - Market Square

From: "CLARK WAGNER" <clarkwags@msn.com>
To: <skatz@c.gaithersburg.md.us>, <gedens@cwt.com>, <dhumpton@ci.gaithersburg.md.us>, <gossont@ci.gaithersburg.md.us>, "BKeller911" <BKeller911@comcast.net>, <jschlichting@carramerica.com>, "Depoe" <mdepoe@ci.gaithersburg.md.us>
Date: 11/16/2004 8:28 AM
Subject: Market Square
CC: <lisawags1@msn.com>, <John.Bauer@marriott.com>

Mayor and Council,

I attended last night's public hearing on Market Square intending to testify, but I chickened out, figuring I would shorten your evening and allow myself to reflect on the many "enlightening" comments that I heard.

I do hope that you can approve the change to Building "J" and require an upgrade to Market Square, it needs it badly. The additional restaurant is also ok in my view, but if you find it would cause a parking problem, then maybe the thing to do is to wait on that one.

I live a half block from Market Square and go to the many businesses every day. I do not find there is a parking problem on Main Street or in Market Square. It may be difficult to find a CONVENIENT space, but there is always a space to be had. The point of Market Square, as you know, is to be a **walkable, entertainment district** and not shopping center with a sea of abundant parking, like Milestone. Parking should not be the sole driving issue (pardon the pun), instead, the focus should be on how to improve the pedestrian experience.

Upgrades I would like to see include the following:

1. Add shields to the lights in the parking lot near Potomac Pizza - the light from these fixtures spills 100 feet or more into the neighborhood and has a major negative impact on all the folks along Heathwalk Mews, such as Tracy Boyd, Dave Baseheart, Nic and Jonie Madary, as well as many others. The complaints have been made before many times. Please do something!
2. Require the replacement of awnings that are currently growing a nice shade of green mold
3. Require the upgrade and replacement of street furniture, such as planters, benches, trash cans, etc.
4. Require the upgrade or removal of the ice rink, which is currently and "ice sore". I would opt for more green planted areas and less concrete.
5. Improve the color selection for building "J", which is horrible and looks like the "Good Ship Lolly Pop".
6. Upgrade the landscaping with more annual beds that get regular maintenance.
7. Allow the parallel parking on Market Street East and West - this parking works. I drive down that street every day and never have a problem. Lisa drives a big Ford F-250 diesel truck down that street and SHE has no problems. More parking is better - so tell Ollie to let it be.

Obviously, to get these improvements something has to be approved. I suggest you give



complete list of upgrades that must be in place prior to receipt of a building permit for building "J". With respect to the second restaurant, I suggest you ask for a more detailed parking study and only allow that building upon a finding that they will not exceed the original requirement of 5 spaces per thousand square feet of total floor area.

I appreciate your consideration of these points and your work to achieve an improvement to Market Square.

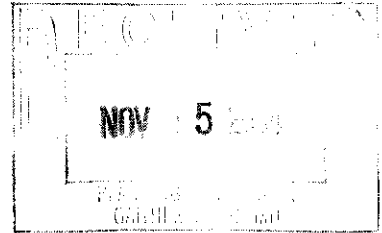
Congrats Blanche!

Thanks,

Clark and Lisa Wagner

RICHARD L. ARKIN

121 SELBY STREET
GAITHERSBURG, MARYLAND 20878-5647
TELEPHONE: 301-258-7874
FAX: 1-303-474-7488
EMAIL: RICHARDARKIN@AOL.COM



November 14, 2004

Mayor and Council
Planning Commission
City of Gaithersburg
City Hall
31 South Summit Avenue
Gaithersburg, Maryland 20877

Re: SDP-04-002

Via: email (as attachment)

Your Honor and Members of the City Council and Planning Commission:

Please consider this letter to be an expression of qualified support for SDP-04-002, the application of Kentlands II LLC (The Beatty Companies) for changes in SDP-7-1, the approved schematic development plan for Kentlands Market Square. The applicant is proposing a change in use from retail to restaurant for existing Building J at 653 Center Point Way and the addition of a new 6,200 foot Building K at 901 Center Point Way.

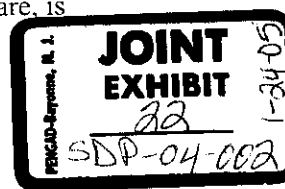
Proposed Changes. Generally, the most successful uses in Kentlands Market Square over the years have proven to be restaurant and retail food, particularly medium-priced to better quality restaurant and retail food. This is consistent with testimony and comments over the years favoring such uses from residents of Kentlands, Lakelands, and the surrounding communities.

Building J, which is located across the plaza from the Star Diner restaurant, across Center Point Way from three other high quality restaurants (Tabouleh, the Last Mango, and Ha-Ku-Ba) and a coffee shop) is especially well-suited for restaurant use, particularly if such a use incorporated on-plaza or sidewalk seating. Indeed, many believe that this building was always intended for restaurant use, suggesting that the classification of the building for retail uses may have been in error.

The location suggested for Building K is more peripheral to the existing restaurant uses. However, its location could be significantly improved by moving the building closer to the vehicular and pedestrian roadway next to Michael's, which connects Kentlands Boulevard with Main Street. The building would be even further approved if it were two stories or more, with office or residential uses on the floors over the proposed restaurant. Even better would be a taller building that could support restaurant, office, retail, and residential uses and screen a parking garage behind the new building.

Parking. Although parking is tight in Market Square, there is always surplus parking available in the lot next to Michael's and the other lot next to the Taste of Hong Kong and the Potomac Pizza carryout entrance. While a more intensive use of the area proposed for Building K would be desirable (especially one that would include a parking structure), the study submitted by the applicant suggests that adequate parking exists to support the added uses proposed by the applicant. However, I believe it would be prudent to require the applicant to have valet parking Plan B alternate, should the open parking that presently exists prove inadequate.

Site Issues. There appears to be no provision for a dumpster for Building J. The dumpster location proposed for Building K, abutting Center Point Way, one of the two main streets in Market Square, is unacceptable and should be changed.



The applicant has told the community that there are plans to modify the architecture of Building J to permit two restaurant uses. There is an existing entrance on the plaza abutting Center Point Way, but this entrance could not serve two restaurant operations.

The proposed entrances for the restaurant uses in Building J cannot be discerned from the limited information provided by the applicant. I would suggest that the entrances should relate positively address not only to the plaza, but to Center Point Way, Market Street East, and the entryway for the Lakelands Office Building now under construction at the foot of the plaza.

The applicant has not supplied elevations for the proposed Building K, however, the layout of the building footprint and the parking strongly suggest that the entryway will not face any of the existing roadways/pedestrian ways in the complex (Center Point Way, the Center Point Way-Main Street Connector, or the heavily traveled roadway next to Michael's that connects Kentlands Boulevard to Main Street. Instead, the main entrance to the new restaurant appears to face the rear of the Main Street live-work buildings and the parking field between the proposed restaurant and the backs of the live-works. This is unacceptable.

The principles of neotraditional architecture and design require the entrance and active windows on restaurants (and storefronts) to face the active street and pedestrian ways, rather than the entrance facing a rear parking lot and the back of the building and the dumpster facing the main roadway. The entrance to Building K must be moved to so that it faces one of these roadways if it is to attract pedestrians and help to make the streetscape more lively. The building location will work if the entrance and front windows face Center Point Way or the Center Point Way-Main Street Connector. However, if the roadway chosen is the one next to Michael's, the building should be brought close to that roadway so it creates a pedestrian-friendly hard edge.

Design Issues. As of this writing, no elevations or architectural concept drawings for revisions to Building J or for the new Building K have been submitted. Accordingly, there has been absolutely no opportunity for meaningful public comment on the proposed architecture and design.

One of the principal purposes for creating the MXD zone was to permit better architecture and more creative pedestrian-friendly urban design. Without architectural or design information having been put into the record, there is no way to determine if this purpose will be met should the proposed development plan be approved.

Conclusion. While I believe the proposal requires considerably more work, I believe that it meets the threshold permitting the holding of at least one open, public worksession on the proposal. Assuming that elevations are submitted, the issues I raise and others will also raise could be worked out during the worksession process. If not, I would suggest that the proposal should be sent back to the applicant for additional work.

Thank you very much.

Sincerely yours,

Richard L. Arkin

Richard L. Arkin

The Gazette N

9030 Comprint Court, Gaithersburg, Maryland 2087

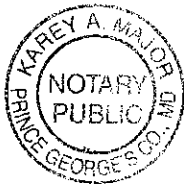
CERTIFICATION

THIS IS TO CERTIFY THAT THE ANNEXED LI
IN THE GAZETTE NEWSPAPERS FOR THE NU

City of Gaithersburg – Public Hearing –

Gaithersburg Publishing Company

Karey A. Major
Copy of Ad attached



KAREY A. MAJOR
Notary Public, State of Maryland
Prince George's County
My Commission Expires March 31, 2007

Ad Order Number: 10193032
Dates: St: 10/27/04 End: 10/27/04 Ins: 1

NOTICE OF JOINT PUBLIC HEARING

The Mayor and City Council and Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on Amendment to Site Development Plan, SDP-04-002, filed by The Beatty Company, on

**MONDAY
NOVEMBER 15, 2004
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg Maryland.

This request is to amend the approved schematic development plan SDP-7-1, Market Square, Parcel A, Block WW, Building J from 6,000 square feet of retail land use to restaurant use; and the addition of 6,200 square feet of restaurant use at Parcel A, Block TT, Building K. These subject properties are located at 653 and 901 Center Point Way, north of Main Street and south of Kentlands Boulevard, in Kentlands/Lakelands Market Square, and is zoned MXD (Mixed Use Development).

Further information is available from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Jacqueline Marsh
Associate Planner

10193032

(10-27-04)



7. Announced if anyone is seeking to fill the now vacant seat on the Planning Commission, letters of interest should be sent in no later than Monday, December 6, 2004, 5 p.m.

VIII. FROM THE CITY MANAGER

1. Welcomed Council Member Keller to the City Council.
2. Attended the Golden Shovel Award and recognized the business community and thanked City staff Maria Fullerton and Patty Woodruff from the Planning and Code Administration for their efforts.

IX. JOINT PUBLIC HEARINGS

1. **SDP-04-002, Amendment to the Approved Schematic Development Plan SDP-7-1, Market Square, Parcel A, Block WW, Building J From 6,000 Square Feet of Retail Land Use to Restaurant Use, and the Addition of 6,200 Square Feet of Restaurant Use at Parcel A, Block TT, Building K. These Subject Properties are Located at 653 and 901 Center Point Way, North of Main Street and South of Kentlands Boulevard, in Kentlands/Lakelands Market Square, is Zoned MXD (Mixed Use Development)**

Associate Planner Marsh stated the joint public hearing on SDP-04-002 was advertised in the *Gaithersburg Gazette* on October 22 and 27, 2004, and the property posted. The hearing is to request a change to an approved use for Building J from retail to restaurant and an addition of Building K, which proposes 6,200 square feet of restaurant use in the Kentlands Market Square.

Robert Harris, Holland & Knight, introduced the hearing on behalf of The Beatty Company, who are proposing to make two changes to the plan for Market Square. He stated that approvals for Market Square include some expansion space and about 19,000 square feet of additional space remains to be built on the property. The applicant is requesting to build a restaurant in the southwest corner of the property, and then to convert a vacant space, referred to as Building J, across from the theater into restaurant space. The applicant believes that the restaurant would serve as a connection between the Main Street retail and the rest of Market Square. Mr. Harris stated that in order to be able to negotiate with potential restaurateurs, a plan amendment allowing retail, would have to be approved. He stated that there are concerns with adequate parking for the existing uses and new uses in the area.

Gary Unterberg, Rodgers Consulting, reviewed and oriented the Mayor and City Council and Planning Commission with the proposed buildings and the addition of the 6,200 square foot restaurant building and parking. He stated that a parking inventory to count the number of parking spaces or the number of used parking spaces was done in April 2004. The study was done on Friday and Saturday nights between 7 – 10 p.m. He stated that they have been working with staff for about six months and submitted a formal SDP revision of the plan in August. He stated that the design is to have two large parking fields that would support and supply most of the parking. Mr. Unterberg stated the original plan proposed in 1997, was for a mixed use of 255,000 square feet of retail, theater and restaurant, with five parking spaces per 1,000 square feet. He stated that over the years, the plan has been modified which changed the parking areas. Another change to the plan is Building K, which is a proposed 6,200 square foot restaurant. He stated that the original proposal had Building J and K parked at 13 spaces per 1000 square feet and the rest of the center parked at 4.5 per 1000. He stated that the request is parked at 4.5 spaces per 1,000 square feet for the entire center of 260,000 plus square feet. He added that under the MXD Zone, the City Council has the authority to determine the number of spaces that are appropriate for a project. The applicant believes that 1,270 parking spaces is appropriate for the proposed plan using the City's standards and with the additional restaurant uses.

The Council and Commission questioned the adequacy of the parking study for the proposed uses, parking numbers given, illegal parking counted as available spaces, width of the drive aisle, handicapped parking, and the proposed change of use. They asked that another parking study



be done over a span of time to understand the movement of parking numbers and what would actually be available. It was also suggested that the applicant look at the surrounding uses near the property and how they are utilized to understand what would work for the Market Square area.

Speakers from the public:

1. *Domenick Cicala, Owner of O'Hair Salon and Spa, 424 Main Street*, expressed concerns with sufficient parking and the proposed development. He asked the City to keep the vision of a pedestrian friendly community for the Kentlands. He added that increased traffic has impacted the parking flow and available parking spaces. He asked the City to look at the impact of the Archstone development before approving the proposed project.
2. *Virginia Joehl, 417 Main Street*, expressed concerns with existing parking. She asked that the applicant deal with the vacant building and the unsightly dumpster behind Michaels, before moving forward with any new project.
3. *Mendy (inaudible), 468 Lennet Street*, expressed concerns with the increased traffic from Market Street and pedestrian safety.
4. *Valerie (inaudible), Employee of O'Hair Salon*, has received complaints from customers regarding inadequate parking.
5. *Demo Chrissos, 343 Tschiffely Square Road*, asked that something be done with an existing vacant restaurant site in the area and that the skating rink be removed from the Market Square area. He stated that the rink should be held to the same City Codes as everyone else. He asked that the City take the time to develop a plan that would be in the best interest for all and address those concerns with The Beatty Company.
6. *Diane Dorney, 309 Main Street*, asked for another charrette for the Market Square area to guide the proposed plan and structure the parking situation.
7. *Judy (inaudible), Employee of O'Hair Salon*, expressed concern with the lack of connectivity and coordination between the Lakelands/Kentlands and surrounding areas. She asked the City to focus on the vision for the whole community.
8. *Brett Cosor, 413 Main Street, Business Owner*, stated there are economic benefits to the area. He asked that the City consider the nature of the businesses and retail being proposed and how they will effect the overall strategic direction of the City and the Kentlands area.
9. *Pamela Cosor, 306 Alfandre Street*, expressed concerns with the proposed plan and the gradual departure from the Kentlands neotraditional neighbor. She asked that the City utilize the Kentlands Town Architect when reviewing proposed plans and to come up with creative parking.
10. *Fred Thoms, 307 Kent Oaks Way*, expressed concerns with parking issues trickling into the residential area. He asked the Mayor and City Council and Planning Commission to revisit the site and address the parking problems that already exist. He expressed concern with pedestrian safety.
11. *Richard Foley, 254A Market Square Street East*, stated concerns with pedestrian safety, traffic movement, and trash/dumpster issues. He stated that the ice rink is an amenity to the community during the winter months and would like to see it remain in the area.
12. *Lake Coulson, 707 Gatestone Street*, expressed concerns with the granting of a waiver for the proposed restaurant and adequate parking for the community. He suggested a two-tier parking structure be considered.

13. *Roxanne (inaudible), Employee of O'Hair Salon*, stated customers have complained about parking in the area.
14. *Lindsey (inaudible), Employee of O'Hair Salon*, opposed to the proposed buildings due to inadequate parking.
15. *Tammy Bryan, 314 Alfandre Street*, expressed concerns with pedestrian safety and business parking becoming a problem in the residential areas. She asked for additional signage for parking.
16. *Donna Farber, 317 Main Street*, opening a new establishment in the area, but expressed concern with adequate lunch parking for customers.
17. *Julie Hristopoulos, 353 Main Street, business owner*, expressed concern with parking for customers and asked for a solution.
18. *Dennis Stiles, 333 Main Street*, expressed concern that the vision for the Kentlands has strayed. He asked that the leadership of the Gaithersburg community work together to better the proposed plan.

There were no other speakers at the hearing.

Motion was made by Commissioner Hicks, seconded by Commissioner Winborne, that the Planning Commission record on SDP-04-002, be held open indefinitely.

Vote: 4-0

Motion was made by Council Member Alster, seconded by Council Member Edens, that the City Council record on SDP-04-002, be held open indefinitely.

Vote: 5-0

2. **Z-298, Request to Rezone 112,063 Square Feet of Land, Part of What is Currently Known as Parcel 100, in the Oakmont Subdivision, Located at 100 Central Avenue, in the City of Gaithersburg, From the Existing R-90 (Medium Density Residential) Zone to the CD (Corridor Development) Zone**

Associate Planner Marsh stated the joint public hearing on Z-298 was advertised in the *Gaithersburg Gazette* on October 22 and 27, 2004, and the property posted. She stated that the applicant is requesting to rezone 2.75 acres of property, immediately behind 603 South Frederick Avenue, which is Macroland. The applicant is proposing to rezone the property from R-90 (Medium Density Residential) to CD (Corridor Development).

Shawn Tahmassian, presenting for the applicant stated Mr. Parvis Rashidian, owner of Macroland has owned the property for the past 15 years. The applicant is proposing to use approximately a quarter of the rezoned land for a parking lot to service the existing building at 603 South Frederick Avenue and to comply with the City's Master Plan guidelines for the connectivity of the existing commercial parking lot in order to divert the traffic from South Frederick Avenue. The applicant is also seeking to take care of incidences where homeless people have settled in this lot and have created problems for the neighborhood. Mr. Tahmassian stated that the applicant has followed all the environmental and City guidelines in order to make this rezoning possible. He stated that the property has large protected wetlands and stream buffers providing a significant tree-buffer.

Rafik Bazikian, engineer on the parcel explained the parking plan to the Mayor and City Council and Planning Commission. He stated that the applicant is requesting that the 112,063 square

TRANSCRIPT OF
JOINT PUBLIC HEARING

ON

SDP-04-002

Amendment to the Approved Schematic Development Plan SDP-7-1,
Market Square, Parcel A, Block WW, Building J From 6,000 Square
Feet of Retail Land Use to Restaurant Use, and the Addition of
6,200 Square Feet of Restaurant Use at Parcel A, Block TT,
Building K. These Subject Properties are Located at 653 and 901
Center Point Way, North of Main Street and South of Kentlands
Boulevard, in Kentlands/Lakelands Market Square, is Zoned MXD
(Mixed Use Development)

BEFORE THE

CITY OF GAITHERSBURG

MAYOR AND CITY COUNCIL

AND

PLANNING COMMISSION

Transcribed by

Doris R. Stokes

November 2004



PARTICIPANTS

CITY COUNCIL

Mayor Katz
Council Member Alster
Council Member Edens
Council Member Keller
Council Vice President Marraffa
Council Member Schlichting

PLANNING COMMISSION

Vice Chair Bauer
Commissioner Hicks
Commissioner Levy
Commissioner Winborne

CITY ATTORNEY

Cathy G. Borten

STAFF

Associate Planner Jacqueline Marsh

SPEAKERS FROM THE PUBLIC

Robert Harris, Holland & Knight
Gary Unterberg, Rodgers Consulting, Germantown, Maryland
Domenick Cicala, Owner of O'Hair Salon and Spa, 424 Main Street
Virginia Joehl, 417 Main Street
Mendy Squire, 468 Lennet Street
Valerie (inaudible), Employee of O'Hair Salon
Demos Chrissos, 343 Tschiffely Square Road
Diane Dorney, 309 Main Street
Judy Sekala, Employee of O'Hair Salon
Brett Cosor, 306 Alfandre Street
Pamela Cosor, 306 Alfandre Street
Fred Thoms, 307 Kent Oaks Way
Richard Foley, 254A Market Square Street East
Lake Coulson, 707 Gatestone Street
Roxanne (inaudible), Employee of O'Hair Salon
Lindsey (inaudible), Employee of O'Hair Salon
Tammy Bryan, 314 Alfandre Street
Donna Farber, 317 Main Street
Julie Hristopoulos, 353 Main Street
Dennis Stiles, 333 Main Street

Katz The next item on the agenda is a joint public hearing. And we are going to ask Jackie Marsh to please introduce it.

Marsh Good evening, I'm Jacqueline Marsh. This is a joint public hearing on SDP-04-002. This hearing has been duly advertised in the *Gaithersburg Gazette* on October 22 and 27, 2004, and the property has been posted. At the present time there are eighteen exhibits in the record file. These exhibits are referenced in an exhibit list in the file. The individual exhibits may be reviewed during the course of the meeting or in the Planning Office during regular business hours at City Hall. Any objections to the receipt of any exhibit should be noted prior to the closing of the record; otherwise they will be deemed received into evidence. Tonight we are hearing a request for a change of use and an additional 6,200 square feet of restaurant use in the Kentlands Market Square. First presenting tonight on behalf of the applicant is Bob Harris.

Katz Thank you.

Harris Good evening Mr. Mayor and Members of the Council. I'm Bob Harris on the law firm, Holland & Knight. I have the opportunity to introduce this hearing tonight on behalf of the Beatty Company. Gary Unterberg with Rodgers Consulting will do the primary speaking. He has been someone who has been involved in the Market Square project for many years. I'm new to it as a representative, but new to it as a customer. I live in the area and visited it many times. What we want to talk about tonight and present hearing and testimony is a proposal to make two changes onto the plan for Market Square. One is to, as you will recall, the approvals for Market Square includes some expansion space. About 19,000 square feet of additional space remains to be built at the property. What we are going to be asking you to do is to consider allowing us to build a restaurant in the southwest corner of the property. Gary will point it out. In between Michael's and Whole Foods Store to complete sought of the frontage

along that internal road. And then to convert a vacant space, I think it referred to as Building J, across from the theater into restaurant space as well. From the attendance tonight, I see it is a matter of great interest to the City and it is important to us as it is to them as well. We want to listen to people who will be speaking on it and to come back with whatever modifications may be appropriate under the conditions. As you no from your own experience, retail needs to evolve over time. Tenants change, shopping and dinning interest change. One of our objectives is to continue to improve Market Square for the citizens of Gaithersburg. That includes so times adding space of one form or another. In this area, restaurants have become particularly popular. Many of us are finding that we are eating out more and more frequently and with that, there has come the demand from restaurateurs to find space in well located centers like Market Square. It's important for the smaller retailers in Market Square as well because restaurants serve as important (inaudible). I know that when I go out to dinner with my wife, we often will walk around and visit shops wherever we are. Whether it is in Kentlands or Bethesda Row in Bethesda or downtown Silver Spring. And part of that is the experience. And the small retailers benefit from that. That's what makes it possible for them to survive. We believe that the restaurant at the southwest corner between Michaels and Whole Foods will as well serve as a connection between the Main Street retail and the rest of Market Square so that people will feel drawn more towards the shops along Market Square from dinning at that restaurant and generally connecting all of the retail area in a unified manner. At one time, our plan, until very recently actually, our plan had been to serve Ruby Tuesday at that location. Ruby Tuesday recently let us know that they have moved on and have decided not to locate at this particular location. We don't know who will be going into that particular location at this time, but we do know that we need a plan amendment to allow that retail to be approved at least in concept so that we can serious negotiate with other restaurateurs who would want to go there. We would obviously intend on bring that back to the City for more

detail review once we know what is going in there because we don't have the detail architecture of the user for you tonight. Parking is certainly an issue and I see from the stickers that people are likely to be raising that issue here. The parking is almost an issue in retail centers. And this is no different. We believe that, and Gary will walk you through this, that the center provides adequate parking for the existing uses and for the new uses that we are talking about putting in there and we are asking that you approve the parking plan in order to accommodate these plan changes. And that includes so additional formal approval for street parking that is already being used. I will let Gary walk you through that because he has done all the heavy lifting in terms of that. Thank you.

Katz Thank you.

Unterberg Good evening. I'm Gary Unterberg with Rodgers Consulting. I would like to start off by also congratulating Councilwoman Keller on her appointment tonight. With that, in your packet and some of the detail, there is a November 8, 2004 letter that I've written. And that has some of the details. And what I am going to do is present three different exhibits tonight. Revisit where we've been and what's there now. We did a parking inventory to count the number of parking spaces or the number of used parking spaces back in April. We have been working with this with staff for the past six months or so, on and off. We have submitted the formal SDP revisions in August. And then the last exhibit is going to be the proposed buildings and the addition of the 6,200 square foot restaurant building. With that, let's walk through the site briefly here. We have Kentlands Boulevard to the north. We have the main roundabout located also to the north. And the main entrance which is Market Street. To the east is Great Seneca Highway off the map. To the south is the Lakelands and as you come down Market Street and the (inaudible) area, the Diner, Building J which we are going to be talking about tonight and it is vacant right now. We have the skating rink and the new Lakelands

office building which is outside Market Square within Lakelands. As you know Kentlands is a new urbanism community. It was set up within the definition and the intent to have a walkable community. Part of this design and the intent of this design is that there be two large parking fields that support and supply most of the parking, east and west. And then we have the Main Street which (inaudible) Market Street with the stores up close and the village center concept. Sitting at some of the charrettes this weekend listening to Torti Gallas revisit some of the new urbanism goals. One of those goals was to park once and walk. This was intended to do that, where you park in one of these fields either west or east. You park once and you walk. You go to the movies, you go to the restaurant, and you go to the store. With that, I am going to walk through a couple of numbers. Originally, the approval back in 1997 was just less than 255,000 square feet of retail, theatre and restaurant uses. And that was part of the five parking spaces per 1,000 square feet. In addition to that, there is just a little over 19,000 square feet of additional retail specified (inaudible) in certain locations for future expansions. One of those locations is what we are going to be talking about tonight, as one of the future buildings and future restaurants. So two future buildings just south of Whole Foods in this location. As you come back to the ice rink, just west of the ice rink which is a grass area now. There is another future building location which we could fill in the street frontage with the live-work units in Lakelands. And then over to the east, just across from Baha Fresh Restaurant, there is another future retail space. Those are all outlined on the original plan and the plan for some future expansion, not knowing what those specific uses would be at that point. Again, this was parked at five spaces per thousand square feet. The City Code is general retail 0 to 250,000 square feet, and is parked at 4.5 spaces per thousand. From 250,000 to 500,000 square feet, the general retail is parked at five spaces per thousand. This is a little bit higher than that which was approved at 255,000 and then the additional 19 plus thousand which was included and this was all parked at five per thousand. Over the years, the intervened years, this plan has

been modified. It has gone to the Planning Commission several times. Different architecture has been review, different uses, and different picks of uses. The theater has been expanded, different restaurants have been added. With that, some of the other parking areas have been changed overall. Originally, there were 1,349 spaces on the approved plan. Today, there is 1,279. So there is about 70 spaces less. Part of that was due to parallel spaces on Kentlands building and were included in the original approval. There were some changes to Kentlands Boulevard over the years. The roundabouts in particular were retrofitted and expanded. Some of the additional parking that went future down toward (inaudible) Highway was also removed. That was about 20-25 spaces. As the architecture was changed. As some of the uses changed, some of the handicapped spaces changed, the parking count has come down. So that leaves us where we are at today. We are at 1,279 spaces and those have been surveyed by our firm. And with that, 1,279 spaces, which allows 15 percent to be restaurant use. We are at that 15 percent, with the restaurants moved in. The required amount based on five spaces per thousand square feet would be 1,274. We have 1,279, so there is a surplus of five spaces per code of what exist here today. And we are fully, the restaurant use which is at 15 percent, which is the maximum allowed under the general retail provision. With that, the second exhibit is a parking study or parking inventory that Rodgers Consultant did back in April. We had consulted with staff. This is a study that was done. We took an inventory of all the cars parked on Friday night and Saturday, the two busiest times. And the times were at 7 pm, 9 pm, and 10 pm. Of those two days Friday and Saturday, the peak hour of the busiest time was Friday at 8 pm. And with that, there are just under a thousand cars that were counted at parked within Market Square. Of that, I mentioned before, there are 1,279 spaces out there. There is also a number, there is roughly 22 spaces of parallel spaces and they are the ones in orange here that cars are allowed to park on Market Square East, Market Square West. There is also parking allowed in front of the Chinese restaurant, the

take out area. The cars in orange, you see there are a couple of miscellaneous ones, we counted these even though some of these are illegally parked. Those are included in the inventory with that if you count the orange cars at, there are 1,300, 1,301 round numbers. There are 1,300 spaces available out here of which, there is a 1,000 cars parked. That leaves a surplus of 300 cars approximately where spaces are available. If you look at the eastern parking area, each blue car here is a car that was inventory. The eastern lot is (inaudible) a few spaces, but then if you look at the western lot, a majority of those 300 spaces are the empty parking spaces in the western lot. That was done last April. The mix of uses, the tenants really haven't changed. Maybe one or two turnovers, but the situation scenario is roughly the same as it today. Again, there is 1,300 parking spaces available, that is counting the parallel spaces that the City is allowed to be parked now. And there is inventory of roughly a 1,000 cars parked so there is 300 spaces available based on this scenario. What is being proposed tonight, what we proposed in August, we started off with just less than 255,000 square feet of which we were 15 percent restaurant occupied. That did not include the vacant building J which is located here opposite the theater. That is one the original buildings that has never been occupied. And if I go back a second, the original plan just had everything labeled retail back in 1997. The subsequent plans, as we've gone through the Planning Commission, we updated and labeled the restaurant uses. This has always been labeled retail. It also included outdoor seating. The maroon color you see here, those are the existing outdoor seating areas. Working with staff that was one of the housekeeping things that we would show the outdoor seating that's currently in use. Again, Building J was labeled retail. It was intended to be a restaurant with outdoor seating next to it. It has always been labeled retail, although at this point, we have the 15 percent restaurants in the space and this will be over that which gets us into another parking scenario. The other change to the plan is Building K. which is a proposed 6,200 square foot restaurant. And that is the new

building. And that is also in the location that was the proposed expansion area on the original plan. What we did originally in the August was we submitted. We looked at the numbers and the general retail. We looked at our restaurant use. And the original proposal was the roughly 248,000 square feet of general retail. It would be parked 4.5 spaces per 1,000 square feet. That's under the City provision at 0-250 parks at 4.5. And then the additional restaurant uses would be parked as restaurant, 1,300, 13 spaces per 1,000 square feet. So the original proposal at Building J, Building K park at 13 per 1,000 and then the rest of the center parked at 4.5 per 1,000. And that came out roughly 1,270 spaces required and also 1,270 spaces proposed. We met with staff; we had several discussions with staff. The comment we got is, we've never done it that way before. So we looked at the Code again, we had more discussions. We resubmitted and the latest letter is November 8th. And the proposed provision was that we would park the whole center at 268,000 plus square feet at 4.5 spaces per thousand. And then we would park the additional restaurant over 15 percent which is Building J, Building K at instead of 13 per thousand, we parked those at an additional 8.5 spaces per thousand. Which if you take the base of 4.5, plus the 8.5, you get two parking, again parking this two buildings at 13 per thousand. So that's all the technical details of how we got to that. The one provision and the one provision of the zone that allows us to do it or allows us to propose it to the Council and allows the Council to act, is under the MXD Zone, Section 24-160D.1 Parking Requirements. It reads that the Council at the time of schematic development plan should determine the appropriate approximate number of spaces and then it goes about site plan approves with the Planning Commission and so forth with the final number of spaces. Under the MXD Zone, the Council has the authority to determine the number of spaces that are appropriate for a project. We believe that this number, approximately the 1,270 spaces, is appropriate for this use using the City standards and with the additional of two restaurant uses. The majority of the center is parked at 4.5 spaces per thousand with the additional

restaurants, two restaurants Building J and Building K being parked at, well with the based included, they are parked as restaurant use at 13 per thousand. With that, I am going to open it for questions, I don't know if Bob Harris wants to say any closing comments, and we will go from there.

Katz Go ahead please, Geri.

Edens I've got some questions. You threw out a whole bunch of numbers, help me understand for a second. Our Code is five per 1,000, assuming it is a 15 percent restaurant use, right?

Unterberg Correct. For retail center 250,000 to 500,000.

Edens And what you are telling me based on the one snapshot (inaudible) there are 300 available spaces?

Unterberg Correct.

Edens And if you add these uses in, you are saying the five to 1,000, how many spaces short are you? Not trying to manipulate the numbers.

Unterberg What, five per 1,000? I will have to double check myself. This is already parked at five per 1,000, Building J which exist, so that is already in the existing scenario.

Edens But not for restaurant use?

Unterberg Not for restaurant. Well if we park it at five per 1,000, was that your question?

Edens If you park it, but then if you go over the 15 percent, you've got the increased parking, because there is more restaurants. Tell me under our

existing Code and the way we do without trying to change it, how many parking spaces do you need to do what you are proposing.

Unterberg Well, let's take the worse case. We parked this separate for restaurant and we parked this separate for restaurant. A little over 12,000 square feet at 1,300 per 1,000, we're 150 to 150 spaces that are required. So we would be parking that separately. It would be about 150 spaces over what is there right now.

Edens So, you would be asking for a waiver of 150 spaces. Ok. And then based on, you took your parking study at just one snapshot in time. Do you really think that is a fair representation because this center is very busy all weekend. If you were there this past Saturday, you couldn't find a parking space anywhere. Don't you think it would be better if we had a broader, more than one day that you are trying to base this on.

Unterberg That is possibly something we can do. Back in April, it was a gorgeous spring day, so a lot of people, a lot of activity. We do realize that a few months have passed. So whether or not we will go look at it again, that would be fair.

Edens I think so. I would like to see a whole lot more of a span of time to understand the parking other than just one Friday or Saturday night.

Katz Candidly, a gorgeous spring day may not be the busiest day for the movie theater. It might be busier if it were raining or whatever. So I think the point is well taken.

Unterberg If you look at also, the scenario where if you can roughly 150 spaces for the two new uses, with this scenario, it was roughly with this scenario 300 spaces available on the western side. So that if you plug those 150 spaces in theoretically, you will still have 150 in surplus.

Edens But how many spaces are you taking away to build a restaurant?

Unterberg Well there 40 or 50 taken away so you will still have.....

Katz A restaurant is going to have patronage. I mean, they are not going to stay there without customers.

Unterberg But at that count, 150 for the patronage.

Katz So that is why you asking for waiver?

Edens Technically, it's a waiver. They are just trying to move the numbers so it doesn't sound like a waiver.

Alster Gary, you also mentioned tonight in that 300, I'm not going to try and recreate how you got to it, but it was the parallel parking, I thought I heard you say that some of those are illegal parking that you are counting in that? Is that something you are asking for a change on or are you asking us to accept illegal parking?

Unterberg I would ask for those to be recognized. There are, the orange right now, people are parking, and the City is permitting that parking. They are not towing or ticketing. Parking is permitted, people are parking there on a regular basis pretty much everyday. So we are asking for those spaces to be recognized.

Alster How many spaces would that be roughly?

Gary It's 20 to 25.

Levy If you try to drive through those streets with cars on both sides, I don't

think it's an easy task down those two streets when cars are parked.

Gary If we use a 14 foot, one way drive aisle based on parking on either side.

Winborne I really want to add what Geri said. You mentioned that you have been coming back to the Planning Commission, Mayor and Council with information so there should be trending information about parking. I mean, you looked at parking several times. So I just find it very interesting that you come to us with one instance of parking. So, might we look back on all the other trends and see what has come forth. I mean it just seems very odd if we only look at one. And also, we really need to look at seasonal trends. I mean there is a lot more activity around the holidays and that kind of thing. So we really need to keep that in mind. I really think we need to do a lot more with this whole parking thing.

Unterberg Well we did do when the theaters were modified. There was a similar inventory done so we have that data done from a couple of years ago. So we can pull that out. And then while we are just around the corner from the holidays.....

Winborne But I think we have done a lot of stuff when we were doing that construction in front of the Lowes. There was a parking study.

Unterberg There were studies done for those two. And then there were discussions again with the center across the street.

Edens I think we have to take a look at this as a bigger area. I know that this is the perimeter of your property, but I think you have to look at the realization that people park in these lots to go elsewhere. You are talking about how you want to be parked and go walk and you want to go and enjoy not just the center but other aspects of the area, and I think you have to consider what is all around this technical boundary of the property

and how it is utilized. That's why I really think we need a very fair representation over a period of time to understand what's really working there. I go there a lot and there are days I can go there and there are spaces with something like what you have there. But I've been there many a times when there aren't any spaces no matter how far away you want to go. And it is something we have to understand before we can really think about how to, what else should be going in there. And I have another question, off parking for a second. What if anything that you are proposing here to do? Do you want to change the use on this one building that's right by the center, Building J, is that what you are calling it?

Unterberg Yes.

Edens What are you proposing to do to improve that area to make it what it was intended to be which was a focal point, a town center, a gathering place that people would actually try to enjoy or want to enjoy rather than what it really looks like today?

Unterberg Well, that's something we can take a look at and see what we can do with that.

Edens Well, what are you proposing?

Unterberg At this time the proposal is just to change the use.

Edens And do nothing else?

Unterberg Yes.

Harris Council Member Edens, do you by chance have a suggestion?

Edens Oh we have tons of suggestions. We've been throwing them out left and right, but no one seems to want to listen to us.

Katz I guess one the questions would be, why all of a sudden would this be a restaurant site when you haven't been able to rent for anything at this point? At one point, it was suppose to be restaurant from my memory. And now that you have gotten to the 15 percent in the other areas, why all of a sudden is this one back to being a restaurant site? Do you have someone that's a tenant or proposed tenant?

Harris Yes Mr. Mayor we do. There is a hamburger operation called Five Guys that serves gourmet hamburgers. I see a number of heads nodding. I haven't tried it yet, but I'm told they are very good. They are very interested in coming into Montgomery County and this is their number one site I believe. Part of it would be for a small Thai restaurant as well. I don't remember the name of the Thai restaurant. They want to be there very badly. It's the corner of Main and Main to there if you will.

Katz And the other thing that I question in follow up to what Danny was talking about, it is certainly important for us to look over time and get the history of the various open parking spaces, but I think you also have to keep in mind that for a long while, the theater did not get first run movies. In fact, goodness now it does, but while it was not getting first run movies, obviously there was much more of a vacancy in the movie theater than it is today. You go there on a Saturday night and it's very crowded, depending on the movie obviously. So I think we have to keep that in mind for the part of the history of the available parking spaces.

Keller And the number of theaters. Regarding the parking there, the illegal parking that is going on Market Street West and the main (inaudible), its really tight getting through there. And with the angle parking on the side, I know that if you back out of one of those spaces, you have to really worry

about whether you are going to hit a car that is parked illegal there behind you. So I sure the Department of Public Works is going to have to take a hard look at that. I also had a question, you didn't mention in your presentation, but it was in the material that was sent to us about taking away five handicap parking spaces?

Unterberg Yes.

Keller And convert them to regular spaces or something, I don't think you covered that?

Unterberg No I did not. I will walk you through that briefly. Over time, there have been changes as to different tenants have come in, they propose their own handicap spaces, handicap close to their front doors. We took a look at and there are five that we are converting. We looked at the total number required for the center as proposed with the two new restaurants and the number of handicap spaces exceeds the number required. And what we did is, we wanted to make sure they were well distributed, available to the different tenants. What we did do, one, two, three, four, five and primarily four of them on the western lot. And there is already a for instance right here. There is two handicapped spaces with the striping area, the ramp area and then there is another one right across from the other side of the aisle. So what we did was we went back and re-evaluated where those handicapped spaces were, the number sense we exceeded the number required. We converted several of those as primarily these ramp areas were converted to regular spaces. So with the moving of spaces around, again one, two, three, four and five spaces were picked up by reducing the number of handicap spaces. With this scenario twenty three spaces are required by Code and that's what we are showing as twenty three spaces. There's twenty eight out there.

Katz Any other questions? Did you have something else Mr. Harris?

Harris No, thank you.

Katz Ok. Anything else? This is the time that the Mayor and Council and Planning Commission hear from anyone who would like to speak on this public hearing topic. We ask that you please keep your remarks to no more than three minutes. I will advise you when you have 30 seconds left of your three minutes, so that you can begin to finish your statement. Please note that any additional testimony that you might have, can be submitted to the City in written form and will be apart of the record just as your oral testimony. Please state your name and address for the record. Do we have anyone who would like to speak on this topic. Obviously we do. If you can please come forth. What I a going to ask you to do is to please line up so that we don't have to take extra time in between speakers and I am going to hold everyone very closely to the three minutes. So when I say three minutes, please end your statement. And if you can please begin.

Cicala My name is Domenick Cicala, Owner of O'Hair Salon and Spa, 424 Main Street. Mr. Mayor and Council Members, I appreciate the opportunity this evening. As already indicated, we have a serious problem. This project here does not exist in a vacuum. I represent along Main Street where the parking allotment is 4.5 spaces per unit. I employee 31 people currently. If I don't have anybody in my building as a customer, I have a problem. We are concerned with this. We are in the process of an office building opening which is showing on the plan as well. Their current rate is one parking space per 1,000 square feet roughly if I have my figures right. Twenty-two usable spaces, plus five handicapped spaces. All of those will feed into the Beatty property, into the Lakelands live-work units and to Main Street. There is not sufficient parking there currently. Also Archstone is prepared to open I believe its 500 units. I do believe that when those 500 people are in there, they are going to drive to this location and that is going to add an extra burden of parking because they are not

going to carry their 20 lb. bag of dog food for a ½ mile back to their apartments. They will be using that. All these things that come together, we have a significant problem with anything else that would take up parking that would add increased parking. The number of employees in a restaurant are great and the more people visiting the restaurant is certainly high compared to what is already there. I do apologize, I didn't do a good job in getting my stickers out this evening, but a lot of the people here I do believe share that same view point. We are not interested in Bethesda. I don't believe most of the community is. I don't think that was the concept that was originally designed with the Kentlands. It was suppose to be pedestrian friendly and that is not what it has become. It is not easy to walk and with the increased traffic flow of people trying to find parking spaces, it is apparent that it will not be any easier in the future. What I would like to suggest before we end up in a situation where no one wants to come into the Kentlands where they avoid us like they avoid Bethesda, I would suggest that you take time, see what the impact is of the office building. See what the impact is of the Archstone Project on this parking. I would also like to point out that there might be a solution in finding some type of cooperative either through acquisition of cooperation some type of parking deck that is built into this restaurant façade that would increase the parking. That would probably be the best option in the long term to make this a viable neighborhood. I would also like to point out that the 300 parking spaces, I think the Council should look at that, I believe that is a bit of a red herring. That is 300 parking spaces left over.

Katz Thank you very much. Next speaker please. If no one else is line up, ok. Please go ahead.

Joehl Good evening Mayor, Virginia Joehl. I live at 417 Main Street which is conveniently not on the picture as if the parking problem there on Main Street doesn't exist. Many of these people come and park in my street

whether there is absolutely no parking during the day. And the street very busy. I would like to see Beatty do something with the shell of a building that we have been looking at for ten years. Not to mention the dumpster, mess behind Michael's there, before they propose to do anything else, I would like for them to show some respect from our community by dealing with the problems that they already created before they bring any new ones in. Thank you.

Katz Thank you very much. Next speaker please.

Squire My name is Mendy Squire and I live at 468 Lennet Street, and I've recently moved to the area and it's become a concern of mine as well because there obviously are a lot of families and kids in the neighbor. So living off Market Street West, I see that if the traffic is coming more into the neighborhood, then obviously there are a lot of kids riding their bikes, kids all around trying to cross the street. There is actually a stop sign that you can't really see very well on Golden Ash and Market Street West which would be a hazard obviously to the kids and other people in the neighborhood with all the traffic that would possibly as they are saying with no parking coming to our neighborhood. So it's a large concern of mine and many in our neighborhood.

Katz Thank you very much, next speaker please. If we have other speakers, can you please get in line.

(inaudible) My name is Valerie (inaudible), and I work at 424 Main Street. I'm a hair stylist and I feel like we have our finger on the pulse of what people are thinking. We sit there for a ½ hour with them and they tell of everything. (laughter) They are very irritated and I think you already knew this.

Katz We might give you more than three minutes. Go ahead please.

(inaudible) (Speaker above) – as it is, they are having the perception that they have a hard time parking. So all these numbers, a lot of research went into it, but you are not going to change people perceptions with percentages and numbers. Their perception is an irritation when they cannot park in the remote section of where they want to go. Yes it is nice to walk but not everybody wants to take a stroll. We are busy people, we have busy lives. Sometimes we need to go in a direction or park in the direction of the destination that we want. So we have a finger on the pulse of what people are thinking which is more important than numbers and percentages.

Katz Thank you very much. Next please.

Chrissos Demos Chrissos, 343 Tschiffely Square Road. I have a few thoughts on this. Let me cover the areas that are easiest. I would like to see something done with old Hunters location across from The Mango. I agree with Geri, I would like to see the skating rink torn up and replaced with something that is actually more permanent. And if you don't do that then at least I would like to see you make sure that the Codes that everyone else had to follow in terms of the building, the architectural codes that the skating rink has to follow as well. With that said, for a lot of people, I mean I was at the charrette with all of you on this space years ago. We talked about live-work units, they were constant, and we were trying to sell and make everybody happy and try to make a reality. We knew, nobody knew all the issues that would come up. Parking is obviously something that you can't, when you have mixed uses you can't necessarily anticipate. But I know, I always remember that the backs of all those buildings were always meant to be shielded by other property in front of it. We were never supposed to look at this large area of backs of buildings. So I just wanted to go back to that. And if there is a reasonable plan on the table, I think that we should look at that very carefully. The parking can be a problem, but I've also been there right after Whole Foods closes and that is an open parking lot after 9 p.m. But I have also been

there when Michaels is busy during the holidays, so it does (inaudible). And I think that it is reasonable to ask for a parking study that covers a period of time, different types of days, but I don't think that we should just out of hand not let the community get finished out. We have always looked at the area as being finished out and I think that is the only part of the community right now that still looks like it needs something. I also wanted to say something about the Beatty Company. I mean I went toe-to-toe with them big time and they do listen. At the end of the day, I mean we went through tons and tons of arguments with them and challenges, but at the end of the day they did try come back with what I felt was a reasonable plan. I think that if we lay this out in some way that it will give everybody an opportunity to address their concerns, I think they will listen. It's not an impossible deal.

Katz One thing. You said something about the Hunters site? (inaudible). Hunters is at the other side. I didn't want it to be confusing with that. Please Diane.

Dorney Hi Diane Dorney, 309 Main Street. I agree with almost everything Demos said, probably everything Demos said. I would like, since everybody is congratulating each other. I would like to congratulate you on showing up at the Olde Towne Charrette. Had you come to the Kentlands Charrette, you would have seen what was proposed for the surface parking lot which was structured parking surrounded by buildings. I hope everybody here understands that this town center is not finished. And that we can't stop growing or evolving, but we do need a plan. About a year ago, a master planning charrette was promised. Basically it (inaudible) for Kentlands was promised. And until we do have that charrette, another charrette, something that the City would look to and have something to guide them, then it is difficult to approve anything before we know how we are going to handle structured parking situation. The Main Street businesses do need more parking. The businesses there do need more parking if we put more

in. But this is something that has to evolved, we just can't quit now. So I really hope the City Council will come up with a plan as they said they would a year or two ago for dealing with the master planning charrette for the Kentlands downtown so that we can move forward. Thank you.

Katz Thank you. Next speaker please.

Sekala Judy Sekala I'm an owner at 424 Main Street. One of the things that I thing that you see on our thing here is about vision. And that is what the other people were talking about here. We would love to see some types of coordination amongst the Lakelands, the Kentlands and all. I think that everyone is looking at this as a divided community. Really what we need is to get together and make sure that this office building and how it is going to be impacting the whole community. And really looking at that and when it does open up and when is full with employees as well as the businesses that are going to be brought into that that we are all looking at that with a focus of making this community one of the best in the country. We have people coming by all the time taking pictures. That's wonderful, but someday, I'm not in a position that I want to see another Bethesda. I quit going there five years ago because of the crowd. I know that listening to our clients that they feel the same way. So I would like to see I think is the same thing that I think Diane said is to have some purpose. To have some vision. To look forward knowing already the things that are already accepted and say where do we go from here. Thank you.

Katz Thank you. Mr. Cosor.

Cosor Mr. Mayor, Council, Blanche congratulations. I live at.....

Katz Say your name please.

Cosor My name is Brett Cosor. I have a business on Main Street and we have

been there for three years at 341 Main Street. Literally right at the little artery there where the proposed restaurant site would be. And I think the issue has to frame in a way that gives us some handles to pick up. And I think it is an economic issue. And there is a reason that there are certain boundaries for certain types of businesses as a percentage of a total mix. And I think one of the things that we have when you combine that shopping area along with the office building and the Main Street businesses, my company in the last year has increased about 1,000 percent in revenue. And we intend to hire a lot more people. I currently have eight people working at a single live-work unit and we are probably going to go up to 15 or so. The average salaries that we pay are over \$60,000 a year. And restaurant average salaries are no way near that. So the challenge is that if we allocate parking in geography for certain levels of income then we rule out other people. And so one way that the Council can look at this is in terms of the economic benefit, we are talking economic benefit to the area, then the jobs created and what's the average salary and the permanents. I have people who have worked for me for 17 years. So we don't have turn over. I mean we are a different kind of a business and I would like to suggest that if have contention for the same geography and the same parking spaces that some consideration be given to the nature of those business and how they effect the overall strategic direction of the City. The Kentlands is already being impacted by the apartments and the office building. I would like to suggest that we let that settle in a little bit before we start counting how many empty parking spaces there are. Thank you all for your attention.

Katz Thank you very much Brett. Pamela please.

Cosor Yes, my name is Pamela Cosor and I reside at 306 Alfandre Street with this gentleman. I'm the shy one in the family. I'm concerned, I don't normally come out. I don't think you've seen face here except many to congratulate someone on an award. I watch you all on television. This is

the problem that I think that I share with many of my neighbors and fellow citizens. There seems to have been a gradual departure. One that most of us didn't notice. Those of us like myself who sit home and don't come out for the meetings and don't participate, just think that things are going to come pretty close to what we are going to expect and we are never going to get too far off the beaten track that we had originally intended. But I feel that that is not the case in the Kentlands anymore. I feel that we have valuable resource in the Town Architect that we are not utilizing and I'm a little frustrated and a little confused as to why that is not the case. No one other than the Town Architect has this kind of experience and success with the neo-traditional communities that we are trying to create and keep here in the Kentlands. No one else on the Council, I certainly don't have that experience. I would like to see Mr. Watkins brought into the process. And I would like to see him sign off on assisting the Beatty group in coming up with structures that meets what we are trying to do, enhance our community. I think he can also come up given that he has in other areas around the country, some creative parking solutions. I'm very concerned that my neighbors Meridian and others have been denied by the City an opportunity to expand their businesses because there is a lack of parking. And then I hear all this beautiful dialog today about how the lack of parking is not issue. The end result of what is happening is that we are showing preferential treatment. We seemingly to move down that path for the commercial strip kind of development as opposed to the live-work units. I can also tell you that the parking already from Main Street is creeping into the residence, down Alfandre and Inspiration. I see it out of my window everyday and (inaudible). So I ask all of you to please keep an open mind. To bring some new players to the table. I think that I am not usual in many ways. And that most of the residents in Kentlands will mirror how I see this and what I'm saying they also reflect how the view the process here. Thank you.

Katz

Thank you. Next please.

Thoms Good evening Mayor and Council. My name is Fred Thoms. I live in Kentlands at 307 Kent Oaks Way. My office is at 257 Market Street West in Lakelands so I see this from everywhere. I purchased a live-work unit that I purchased for my family a couple years ago. A little history. Shortly after we settled on the live-work, my family gave testimony here regarding our concerns about the construction of the Lakelands office building. The Triumph development proposed for Classic and Natelli Communities. Our concern are related to primarily to the increase in size and a 17 parking space waiver for the building. In the coming weeks, the building approximately 30,000 feet is going to be occupied. It has 22 spaces, not including those reserved for handicapped parking. It has been reported that Classic Community has about 30 employees and has occupied 13,000 square feet. It appears that with less than half the building occupied, that all parking spaces are going to utilized. Yet there are other tenants and they are likely going to need to park off site and trickle into the rest of the community. Common sense would dictate that we still need to account for guest and other patrons. This off site parking is likely to have an adverse impact on the surrounding sections of Kentlands and Lakelands. I know this because we have already been adversely impacted economically at my live-work unit. Originally when we rented out the third floor, the apartment portion as residential use, we have been unable to re-rent that residentially. I related this story because it is indicative of the decisions that you are going to make will broadly impact the entire community not just what was shown here this evening. And this gives you an opportunity to revisit the situation before issuing new permits. Today the parking in the Market Square area is tighter than ever, progressively worsening. There are numerous factors driving this outcome. They include, but are not limited to the initial planning of four or five spaces when you here that they 10, 20, 30 people in some of the live-works. Because of the parking problems that exist today, I have several concerns. First we have inadequate parking for the businesses that are

already approved but not even occupied, like the new building going in across from me. If there is a future development for approved pads, the worsening congestion would lead to a hazardous pedestrian environment. The increase parking demands from restaurant businesses must adequately provide for both the employees and the patrons. Clearly any future development or variation from 15 percent restaurant ratio must have the solution to the parking problem addressed first or coincide with the development.

Katz Thank you. Richard please.

Foley Good evening. My name is Richard Foley. I live at 254A Market Square Street East. I live right in the center of the Market of Square, right where the flags and flowers and me and my neighbors, we try to do our best to add to the value of Market Square. I've heard a few things. By the way, I love to live on the Square. It took me a while to get use to it. There is a lot of going on and most of it 90 percent good. There is some problems. I've heard earlier that we are a walking community and we need to pay more focus on that. I would agree with that. A lot of the parking lots are really dangerous especially on Friday nights. People are in a hurry and they are dropping their kids off to the movies. They are not paying attention. They are even coming down the wrong way on the one way streets. The orange part that parallels the Market Square, I saw a fire truck have an accident right there in front of the movie there trying to come down the wrong way of the square. He just did not have enough clearance. The Building J of Market Square, one of the problems with currently have is trash. They are proposing for the new office building to have dumpster areas right across from our front door. I had some suggestions that I will give to the Council and Planning Commission, some notes that I wrote down. Before the meeting I talked with Beatty Management and they are very open to some of the suggestions. I know that one of the guys earlier said Beatty is ready to do the deal. I would

agree with that. They are very workable. The intersection of Market Street East and Center Point, there is a dumpster area where the Last Mango dumps their trash at. It's really very unsightly. I don't know what you can do with that, but something needs to be done. The ice rink is a wonderful addition to the Market Square. I look forward to every Winter there. Something needs to be done during the summer in that area to boards up all year round, some of the glass boards down at the ice rink (inaudible), very attractive. Something like that needs to be done. Building J, the question for them is where they are going to dump there trash. Thank you very much.

Katz Thank you. Next please.

Coulson Good evening Mr. Mayor, Members of the City Council, Members of the Planning Commission, My name is Lake Coulson of 707 Gatestone Street and a resident of the Lakelands development. I rise in support of many of the comments that I've heard this evening. I have several concerns with the City's granting a waiver for these new restaurants. As much as I support the addition of these restaurants, which would already increase to nice mix of diversity in the neighbor, I have concerns with these increases of people coming into the Lakelands community and the lack of adequate parking. It seems logical that a merchant would want to supply his or her customers with that adequate parking. Consequently, if a customer can't find adequate parking, he or she will choose to conduct their business elsewhere. As it stands to reason that residents of Lakelands and the Kentlands have a vested interest in seeing these live-work units occupied with successful businesses such as the ones you have heard from here tonight. Moreover, I believe that this lack of parking could have future chilling effects to the extent that the overflow parking could end up the neighbor such as on the street where I live. In conclusion, I respectfully request for the City's urban planners to begin and consider, again the possibility of a 2-tier parking deck to be located in the open lot between

the Bally's fitness center and the Baha Fresh and the post office. I believe that's the eastern part in the map up here. This may not be the only solution, but certainly something needs to be done to address this possible future inconvenience in our wonderful development. Thank you for the time.

Katz Thank you. Next speaker please.

(inaudible) Good evening. My name is Roxanne (inaudible) and I work at 424 Main Street. I'm a hair stylist and I hear clients comment and complain from time to time about sorry it took me so long, but I was looking for a place to park. That's nice in the summer time and nice in the spring time, but when we are getting a temperature of 35 – 40 degrees, its not quite fun after you have had a nice spa treatment and you've had your hair done to walk to your car when it is cold outside and have to put a hat your head. I also have a comment about us being a walking community. I like to walk, its nice to get out and get and fresh air, but have you ever tried to walk around a roundabout. Its not one of the safest thing to do. You are not quite sure when it's your time to walk across and when it is their time to drive. There are times that I wanted to walk to the post office, but it is not the safest place to walk across. Especially on Friday evening when there are tons of cars going across to the movie theaters and also to other restaurants dropping people off.

Katz Thank you. Next speaker please.

(inaudible) Hello my name is Lindsey (inaudible), and I also work at 424 Main Street. I'm here basically just to testify for everybody that works at 424 Main Street. I definitely oppose that building because I could testify that mostly all of us park over there now and have to walk. And yes, every time we come in, it doesn't matter what time it is, there is no parking. So I just feel that it's not that safe. Especially walking out there at night, we have to go

so far. And have to do that for our clients because they complaint about how there is no parking. Thank you.

Katz Thank you. Is there anyone else who wants to speak, please get in the line.

Bryan Good evening, my name is Tammy Bryan and I reside at 314 Alfandre Street. My neighbors are Brett and Pam Cosor. Really just to reiterate, I'm another concerned citizen of the neighborhood. I agree with the things that Pam expressed. One of the biggest concerns on Alfandre Street is we do have a lot of spill over on our street with parking from the businesses on Main Street. I think we really need to have viable solutions to offer to those businesses. People have vested a lot. I come from a family that owns their own business and it takes a lot to start your own business, so these members of our community have opened these live-work units and they need a) parking spaces for their employees to park and b) for their customers to be able to have easy access to park. There is no signage there for parking behind some those units. So I think that is one solution. The other is to add some signage to allow for customers coming down the street to know where to park. Other solutions such Diane Dorney is a parking deck. My other biggest concern is safety. There are a lot of families in the community walking around. So we really need to have viable options for parking for our entire community. So those are the three main points that I wanted to bring up tonight and I appreciate everyone's time. Thank you.

Katz Thank you. Next speaker please. This is the only speaker in the line. If there is anyone still upstairs and you wanted to speak, please come downstairs. Please you can begin.

Farber Good evening. Thank you for the opportunity. My name is Donna Farber. I live at 317 Main Street. I feel a lot of emotions tonight, but really excited

that we are opening up a new restaurant establishment right on the green. Very excited and I understand that there are two other restaurants coming that you will all thankfully approved on Main Street, all family businesses. I look to the right and I see Vasilis extremely busy and successful, but hurting for lunch parking. And then I see the addition of three restaurants on my end, again very excited, but I think, where are they going to park? Already I think the study that was given the evening hours would probably make sense. That's probably the busiest time on Main Street. The evening hours by us really a fairly empty because there is not a lot happening on our end. Where it's horrible is the lunch time traffic. When all of the office cars and services and salons are successful, which we want them to be, but there is not a spot to be had. So take my little restaurant seating for 40 and two others maybe 20, another 30 or 40, that's an additional 110 spots for lunch on Main Street that we have no place to park. And that is without our employees. Thank you.

Katz If you would please come forward. This is the last person on line. If anyone else would like to speak, please get in line.

Hristopoulos Hello, good evening. My name is Julie Hristopoulos. I have a business. Vasilis Mediterranean Grill, 353 Main Street. I'm concerned like the lady said about the lunch business. Our lunch business is decreasing. There is no parking. For the restaurant, I support the restaurants. I wish all the restaurants success, but to take away from parking from what we do not have enough of, our customers complain where to park. I'm just concerned overall as everyone in our community is. I just hope you as a Council Member, Mayor, can find a solution. Thank you very much.

Katz Thank you. Is there anyone else who wanted to speak. Please.

Stiles Good evening. My name is Dennis Stiles. I have a business on 333 Main Street. I had the opportunity to stand in front of this Council about three

years ago, maybe four looking at the change of the site plan. What I would like to echo tonight is exactly what Diane Dorney said. My wife and I had a vision and we found a wonderful location. We brought into the concept of Kentlands, the design concepts and the architecture. And I think at this time we have a huge opportunity to continue the momentum and put some leadership in place to joint hands with Beatty and the local community and Town Architect and the City Council and Planning Commission to really look at what we have heard tonight. But in many ways take the opportunity to grown this vision and have a vision and have a plan to work together. Right now it is so essential that we work as a community for one comment cause. And we all know that we have our special interest. We have to realize that it is a wonderful gift that many have brought to this community in Gaithersburg. I personally love where I am. I'm so appreciative of what this Council has done for me personally, but I think that we have so much to look forward to in the future. In the early stages of this in many regards, you can see that 1988 was not so far away when Alfandre had his vision. But now we are in 2004 and I think we still have a lot of work to do. So I think we need to work together. I thank you very much for time tonight.

Katz Thank you very much. Anyone else from the audience please. Ok. It has been suggested that the Planning Commission and obviously the Council as well hold the record open indefinitely.

Bauer Could I just say something before we move to the next step. I (inaudible) leadership of the Council, but it occurs to me that as it follows it normal process we have to come up with a recommendation. As I sat listening to this, there are some fundamental questions that are at play here. I can't imagine us being us to consider that without a work session before that. So I think, maybe I'm just stating the obvious.

Katz I think that you are, but we are going to have to get to a time frame on a

work session in a second. We will leave the record open indefinitely.

Bauer So it has been suggested that the Planning Commission leave their record open indefinitely. What is the pleasure of the Planning Commission?

Hicks I make the motion that we leave our record open indefinitely.

Winborne Second.

Bauer All those in favor?

Commission Ayes.

Bauer Motion passes 4-0. We will leave our record open indefinitely Mr. Mayor.

Katz Thank you very much. And Members of the Council. What is your pleasure?

Alster I move that keep the record open on SDP-04-002 indefinitely.

Edens Second.

Katz It's been moved and seconded. All those in favor please say aye?

Council Ayes.

Katz Opposed? Carries unanimously 5-0. Do you have any idea for a time frame?

Humpton We are working on the winter work session schedule right now. I think it would be appropriate to get back with you.

Katz For those of you that could not hear Mr. Humpton, we do not have a time frame for when the actual work session will be. Obviously it will be a public work session and I can tell that we will notify everybody when that takes place.

End of Joint Public Hearing

SDP-04-002

Market Square, Kentlands/Lakelands Parking Counts

12/17/2004, Friday

Area	6PM	7 P.M.	8 P.M.	9 P.M.
Area 1	105	101	79	70
Area 2	104	97	62	42
Area 3	155	159	150	103
Area 4	88	87	84	75
Area 5	366	361	297	319
Area 6	73	159	156	118
Total	891	964	828	727

12/18/2004, Saturday

Area	12 P.M.	1 P.M.	2 P.M.	3 P.M.
Area 1	149	161	176	158
Area 2	143	134	159	163
Area 3	146	159	161	151
Area 4	74	82	73	70
Area 5	226	224	240	202
Area 6	37	45	52	57
Total	775	805	861	801

6PM	7 P.M.	8 P.M.	9 P.M.
88	79	70	58
103	79	65	47
122	108	120	85
66	79	87	87
290	331	330	319
73	74	82	80
742	750	754	676



Enhancing the value of land assets

Market Square, Kentlands/Lakelands Parking Counts

12/19/2004, Sunday

Area	12 P.M.	1 P.M.	2 P.M.	3 P.M.
Area 1	75	93	102	112
Area 2	127	170	138	140
Area 3	117	119	138	138
Area 4	82	83	79	79
Area 5	150	141	171	66
Area 6	20	45	48	246
Total	571	651	676	781

12/21/2004, Tuesday

Area	6 P.M.	7 P.M.	8 P.M.	9 P.M.
Area 1	107	71	73	52
Area 2	92	86	80	62
Area 3	112	109	108	102
Area 4	84	84	83	81
Area 5	330	343	306	261
Area 6	62	58	54	60
Total	787	751	704	618



Enhancing the value of land assets

January 19, 2005 (Rev.)

City of Gaithersburg
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, MD 20877

Attention: Ms. Jacqueline Marsh
Associate Planner

Re: Market Square Kentlands/Lakelands
Amendment, SDP -04-002

Dear Ms. Marsh,

On behalf of The Beatty Company we are submitting the following information for discussion at the January 24, 2005 work session. Enclosed are three copies of the 'Proposed Parking Scenario' exhibit and three copies of the 'Parking Count Study, Friday 12/17/04, 7 pm' exhibit. Also included are 11" x 17" copies of each exhibit. The following is a summary of the site history, revised proposed development and request for a parking waiver.

History/Existing Condition

The Market Square center (retail, theatre and restaurant uses) is parked at 5 spaces per 1,000 sq. ft of retail use. The existing development is 254,650 sq. ft. of retail, theatre and restaurant use. A total of 1274 spaces are required, which includes up to 15% restaurant use. A total of 1279 spaces exist. Per code there is a surplus of 5 spaces using the required 5 spaces per 1,000 sq. ft for retail centers over 250,000 square feet.

Proposed Development

The SDP revision only requests that existing Building 'J' (6,000 sq. ft.) be reclassified from retail to restaurant. The proposed Building K (6,200 sq. ft. of restaurant) has been deleted from the plan. The future retail space as shown on the original approval is shown for future consideration. The restaurant uses have been noted on the plan and the outdoor seating areas are shown.

Parking Waiver

A parking waiver of approximately 32 spaces is requested. The final number for the waiver and the waiver is required to be approved by the Planning Commission as part of the Site Plan Approval. The specific parking calculations are attached. The waiver is required since the amount of restaurant space proposed exceeds the 15% requirement of the original approval. With the reclassification of Building J to 6,000 sq. ft. of restaurant an additional 48 spaces are required. A waiver of 32 spaces is requested since there is a surplus of 5 spaces and 11 new spaces are proposed.

Per the request of the City, a Parking Count Study was done in December 2004 to supplement the counts from April 2004. The new counts were taken the week before the Christmas holiday. The Parking counts are documented on the 'Parking Count Study, Friday 12/17/04, 7 pm' exhibit enclosed. The worst case scenario was Friday, 12/17/04 at 7 pm. The total number of cars parked was 964. This is a lower number than the April 2004 count. Therefore the 'Parking Count Study' from April 2004 by Rodgers Consulting, Inc. shows that worst case. The April 2004, Friday evening count at 8 pm, documents that there are a maximum of approximately 1000 cars parked in the 1279 existing spaces. The majority of the vacant spaces are in the west half of the property. There are a total of 27 existing parallel parking spaces that are not on the approved plan and that do not meet City standards. These spaces are not included in the

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C:\Documents and Settings\marsh\Local Settings\Temp\011905 rev SDP BLDG J PARKING REV.DOC





Enhancing the value of land assets

existing condition noted above. The majority of the spaces are located on Market Street West and Market Street East. The City has recognized that these spaces exist but has asked us to not include them on the revised plan since they do not meet City standards. Practically the waiver is only for 5 spaces if the non standard parallel spaces are counted.

In all cases the number of spaces that exists and the number of spaces used meet the needs of the proposed retail, theatre and restaurant uses. The parking inventory from April 2004 documents this. There are approximately 1000 cars parked in the 1290 spaces at the busiest time. The approximate 290 spaces not used as document on the parking inventory support the rationale for the approximate 32 space parking waiver.

If you have any questions please give me a call.

Sincerely,

Gary F. Unterberg
Vice President

CC: S. Cregger, The Beatty Company
R. Harris, Holland & Knight
G. Ossont, P&C
M. DePoe, P&C

Market Square Kentlands Parking Requirements January 19, 2005 (Rev.)

Existing Condition Per 5/1,000 (Previously Approved)

Items	SF	Parking Requirement
Retail, Theater (5/1000 SF)	216,323	1081.6
Restaurant (5/1,000 SF) (15%)	38,327	191.6
Total Parking Required	254,650	1,274
Existing Parking Per Survey		1,279
Parking Surplus Existing/Approved		5

Proposed Bldg J Conversion

Items	S.F.	Parking Requirement
Existing Retail, Theater – Bldg J (216,323SF- 6,000SF)	210,323 SF	
Existing Restaurant + Bldg J (38,327SF + 6,000SF)	44,327 SF	
Total	254,650	

Parking Requirements (5/1000)

Items	S.F.	Parking Requirement (5/1,000SF)
Retail + 15% of 254,650 SF Restaurant (38,197.5 SF)	248,520.5	12,42.6 (5/1,000 SF)
Restaurant Over 15% (44,327SF – 38,197.5 SF)	6,129.5 (Total Rest. 44,327 SF)	79.7 (13/1,000 SF)
Total	254,650 SF	1,322
Available Existing Parking		1279
Handicap Conversion		5
Parking added behind Bldg D		2
Parking Added next to Bldg G		4
Total parking available		1290
Parking Deficit		32 (-)

21/12/2004 Monday					
	7PM	8PM	9PM	10PM	11PM
Area 1	130	991	71	71	71
Area 2	104	87	62	62	62
Area 3	99	64	42	42	42
Area 4	60	64	64	64	72
Area 5	301	981	297	298	298
Area 6	73	64	62	62	113
Total	1041	1841	625	625	721

21/12/2004 Sunday					
	7PM	8PM	9PM	10PM	11PM
Area 1	140	111	110	142	142
Area 2	143	131	135	143	143
Area 3	146	129	91	91	91
Area 4	74	62	74	74	74
Area 5	37	62	61	61	57
Total	775	605	601	601	601

21/12/2004 Sunday					
	7PM	8PM	9PM	10PM	11PM
Area 1	93	79	75	75	88
Area 2	79	62	62	62	62
Area 3	522	108	133	133	133
Area 4	289	39	33	33	33
Area 5	20	74	74	74	74
Total	742	259	254	254	254


22/12/2004 Monday					
	7PM	8PM	9PM	10PM	11PM
Area 1	102	71	71	71	71
Area 2	142	81	81	81	81
Area 3	117	119	124	124	124
Area 4	101	64	64	64	64
Area 5	20	43	43	43	43
Total	482	294	294	294	294

22/12/2004 Monday					
	7PM	8PM	9PM	10PM	11PM
Area 1	117	81	81	81	81
Area 2	177	119	124	124	124
Area 3	162	141	141	141	141
Area 4	64	64	64	64	64
Area 5	20	43	43	43	43
Total	571	463	463	463	463

REVISION	DATE	REVISION	DATE	Contract Packages
				1. Parcel Boundary Composites
				7729 B. Road, Suite 100
				Shaw, 300 West
				McLean, Virginia 22102
				(703) 821-0600
				Attn.: Scott Cragger

Parking Count Study

Friday, 12/17/2004, 7:00 PM



KENTLANDS CONSULTING

Enhancing the value of land assets

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DATE: 12/17/04	BY: MTC
DRAWN: JLM	REVIEWED: JLM
DATE: 12/17/04	BY: MTC
DRAWN: JLM	REVIEWED: JLM
DATE: 12/17/04	BY: MTC
DRAWN: JLM	REVIEWED: JLM

KENTLANDS/LAKELANDS

City of Gaithersburg
 (Gaithersburg station district No. 9
 Montgomery County, Maryland)

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